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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/23/2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MOHAMMED BOUHAJRAH,

Plaintiff,

-v-

18-CV-11391 (VEC)

HILL DELI GROCERY CORP., AZAAL DELI
GROCERY CORP., ANA DELI GROCERY CORP.,
AND NASSER ALMASMARY,

Defendants.

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on October 23, 2020, the parties appeared for a telephone conference;

IT IS HEREBY ORDERED that Plaintiff's co-counsel, Mr. Kenneth Katz, must file a notice of appearance by no later than **Wednesday, October 28, 2020**.

IT IS FURTHER ORDERED that, based on Plaintiff's concession that his ability to prove the jurisdictional requirement that the employer had revenues in excess of \$500,000 per year is dependent on the three Defendant corporations being a "joint employer" under the Fair Labor Standards Act, Defendants may file a Motion for Summary Judgment limited to the question of whether there is a material question of fact that the three Defendant corporations were a joint employer by no later than **Friday, November 6, 2020**. Plaintiff's response in opposition is due no later than **Friday, November 20, 2020**. Defendants' reply in support is due no later than **Wednesday, November 25, 2020**.

IT IS FURTHER ORDERED that the bench trial is scheduled to begin on Monday, **December 7, 2020, at 10:00 A.M.** The final pretrial conference is scheduled for Tuesday, **December 1, 2020, at 3:30 P.M.** Both the bench trial and the final pretrial conference will be held in person at the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New

York, New York 10007. Per the Southern District of New York (“SDNY”) COVID-19 Courthouse Entry Program, any person who appears at any SDNY courthouse must complete a questionnaire and have his or her temperature taken. Only those individuals who meet the entry requirements established by the questionnaire, including that they have not traveled to a listed state or country for the prior 14 days, will be permitted entry. Please see the enclosed instructions.

IT IS FURTHER ORDERED that the parties must meet and confer to identify a mutually agreeable interpreter to be available to translate for Mr. Hadash as needed. The parties must also meet and confer to agree upon a proposal for Mr. Hadash to testify remotely, should he not meet the SDNY Courthouse entry rules in time for trial. The proposal should include the desired technological platform and method for introducing evidence as exhibits. The parties must be ready to present these issues at the final pretrial conference.

IT IS FURTHER ORDERED that if the parties want a settlement conference with the assigned Magistrate Judge, they may submit a joint letter requesting a referral.

SO ORDERED.

Date: October 23, 2020
New York, New York

Valerie Caproni

VALERIE CAPRONI
United States District Judge

Instructions for Courthouse Entry

All members of the public, including attorneys, appearing at a Southern District of New York courthouse must complete a questionnaire and have their temperature taken before being allowed entry into that courthouse.

On the day you are due to arrive at the courthouse, click on the following weblink to begin the enrollment process. Follow the instructions and fill out the questionnaire. If your answers meet the requirements for entry, you will be sent a QR code to be used at the SDNY entry device at the courthouse entrance.

Weblink: <https://app.certify.me/SDNYPublic>

Note: If you do not have a mobile phone or mobile phone number, you must complete the questionnaire and temperature screening at an entry device at the courthouse.